

THE *J. Rogers*
GENERAL STATUTES

OF THE

STATE OF MINNESOTA:

REVISED BY COMMISSIONERS APPOINTED UNDER AN ACT APPROVED FEBRUARY 17, 1868, AND
ACTS SUBSEQUENT THERETO, AMENDED BY THE LEGISLATURE,
AND PASSED AT THE SESSION OF 1866.

TO WHICH

THE CONSTITUTION OF THE UNITED STATES, THE ORGANIC ACT, THE
ACT AUTHORIZING A STATE GOVERNMENT, AND THE
CONSTITUTION OF THE STATE OF MINNESOTA,

ARE PREFIXED;

AND A LIST OF ACTS PREVIOUSLY REPEALED,

A GLOSSARY, AND INDEX, ARE ADDED.

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the Laws of 1866.

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recognized by the laws of this state as a felony, or misdemeanor, he shall be subject to the existing laws of this state, and shall be punished accordingly.

SEC. 2. No Indian belonging to any tribe, or band, within the limits of this state, shall be allowed to leave his reservation and cross the boundary line thereof, and go into or upon the lands, settlements and claims belonging to the white inhabitants, or erect any tents or tepées upon any such lands as aforesaid, without having a passport from the superintendent, or agent of indian affairs, or from the officer of the United States commanding the nearest military fort on the frontier; or shall remain therein after the expiration of such passport. Such passport shall express the object, the time he is allowed to remain, and the route he shall travel, and shall not confer upon any Indian the right of hunting or fishing on any grounds belonging to the white inhabitants.

Not to leave reservation without passport.

SEC. 3. Any sheriff, constable, or any other county or town officer, may remove any Indian from lands, settlements or claims belonging to the white inhabitants, if he does not comply with the provisions of the foregoing section; and it shall be the duty of all peace officers in their respective counties and towns, in the cases above stated, to call to their aid such persons or power as they deem necessary.

County officers to remove Indian—when.

CHAPTER XXVI.

NOTARIES PUBLIC.

SECTION

- 1. Governor may appoint with consent of senate.
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- 3. Seal—register.
- 4. Powers of notaries.
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SECTION

- 7. Acts of notary, when banker, etc.—how limited.
- 8. Protest of notes and bills—how made.
- 9. Instrument of protest—evidence.
- 10. Power of notary as to witnesses in certain cases.
- 11. Penalty for taking illegal fees and neglect of

SECTION 1. The governor is authorized to appoint and commission as notaries public, by and with the advice and consent of the senate, as many persons having the qualifications of electors, and resident in the several counties of this state, as he deems necessary.

Governor may appoint.

SEC. 2. Each notary public, so appointed and commissioned, shall hold his office for the term of two years, unless sooner removed by the governor or the district court: and before entering upon the duties of his office, he shall give a bond to the state of Minnesota, in the sum of two thousand dollars, with sureties to be approved by the governor, conditioned for the faithful discharge of the duties of his office, and he shall take and subscribe the oath required by law, and the same with his bond shall be deposited in the office of the secretary of state.

Term of office—bond

SEC. 3. Each notary public, before entering upon the duties of his office, shall provide himself with the proper official seal, with which he

Seal—register.

shall authenticate his official acts, upon which shall be engraved the arms of this state, the words "notarial seal," and the name of the county in which he resides, which seal, together with his official register, shall be exempt from execution; and on the death or removal from office of such notary public, his register shall be deposited in the office of the clerk of the district court of the county in which such notary resides.

Powers of notaries.

SEC. 4. Each notary public so appointed, commissioned and qualified, shall have power throughout this state, while residing within the county for which he was appointed, to administer all oaths required or authorized by law to be administered in this state, to take and certify depositions to be used in any of the courts of this state, to take and certify to all acknowledgments of deeds, mortgages, liens, powers of attorney, and other instruments in writing, and to receive, make out and record notarial protests.

Commission to be recorded—certificate to be given—when.

SEC. 5. Any notary public appointed under the provisions of this act shall have his commission recorded by the clerk of the district court of the county in which he resides, and for which he was appointed; or of the county to which such county is attached for judicial purposes, in a book provided by the several clerks for that purpose, on payment to the clerk of one dollar for recording the same; and the clerk shall, upon having recorded such commission, and when thereunto requested, certify to the official acts of such notary public, whose commission is so recorded, in the same manner, and for the same fees allowed by law for similar certificates to authenticate acts of justices of the peace.

Penalty for acting after expiration of term of office.

SEC. 6. Any notary public exercising the duties of his office after the expiration of his commission or term of office, or when otherwise disqualified, or appending his official signature to acknowledgments or other documents when the parties executing the same have not appeared before him, is guilty of a misdemeanor, and shall be fined not to exceed one hundred dollars for each offense, to be recovered before any justice of the peace of the county, upon complaint, under oath, of any person; and, upon conviction thereof, his term of office shall cease.

Acts of notary, when banker, etc.—how limited.

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repealed

SEC. 7. Whenever any banker, broker, officer, stockholder, attorney, clerk, or agent of any bank, broker, or banker is appointed to hold the office of notary public, it shall not be lawful for him to receive, make out or record notarial protests or otherwise exercise the functions of a notary public, whenever such official acts directly or indirectly appertain to, or affect the business of such bank, broker or banker.

Protest of notes and bills—how limited.
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SEC. 8. Every notary public, when any bill of exchange or promissory note is by him protested for non-acceptance or non-payment, shall give notice thereof, in writing, to each party protested against, immediately after such protest is made; and the notary shall in such instrument of protest, certify to the time and manner of the service of such notice upon the several parties so protested against, and shall make a record of such instrument of protest in his official register, which record, or a duly certified copy thereof shall be prima facie evidence of the facts therein contained.

Instrument of protest—evidence.

SEC. 9. The instrument of protest of any notary public, appointed and qualified under the laws of this state, or the laws of any other state or territory of the United States, accompanying any bill of exchange or promissory note, which has been protested by such notary for non-acceptance or for non-payment, shall be received in all the courts of the state as prima facie evidence of the facts therein certified, but any party may contradict, by other evidence, any such certificate.

Powers of notaries as to witnesses in certain cases.

SEC. 10. In taking depositions, he shall have the same power to compel the attendance of witnesses, and punish witnesses for refusing to testify, which may be vested by law, in justices of the peace; and all

sheriffs and constables, and sheriffs in this state, are hereby required to serve and return all process issued by such notaries in taking depositions.

SEC. 11. Any notary public who charges or receives any fee or reward for any act or service done or rendered by him under this chapter, greater than the amount herein limited, or who dishonestly or unfaithfully discharges any of his duties as notary public, shall on complaint filed and substantiated in like manner as other cases in the district court of the county in which he resides, be removed from his said office by such court; and the court shall thereupon certify the fact of such removal to the governor, and the party so removed shall be thereafter ineligible to a reappointment to the office of notary public in this state.

Penalty for taking illegal fees and neglect of duty.

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CHAPTER XXVII.

REPORTER OF SUPREME COURT.

SECTION.

1. Reporter to take oath and give bond.
2. His powers and duties—size of volume.

SECTION.

3. To have copyright—state to purchase copies—number and price.
4. Distribution of reports.

SECTION 1. The reporter of the supreme court shall take the oath required by law, and shall execute a bond to be approved by the governor in the sum of five hundred dollars, conditioned for the faithful performance of the duties of his office.

Reporter to take oath and give bond.

SEC. 2. The reporter shall make careful and accurate reports of all cases argued and decided by the supreme court. He shall be entitled to the possession of the original files in all cases for a reasonable time to prepare copies for publication, and shall report the cases more or less at large, according to their relative importance. The report of each case shall contain concise notes of the points decided, a statement of the facts taken from the record, when the same are not fully given in the opinion of the court, the names of the counsel with the points made and authorities cited, (more or less at length in the discretion of the reporter,) and the opinion of the court. He shall publish a volume of such reports as often as there is sufficient matter to form a volume of not less than six hundred pages. All volumes hereafter published shall bear the uniform title of "Minnesota Reports."

His powers and duties.

Size of reports.

SEC. 3. The reporter of each volume shall print and bind the same at his own expense, he shall have and retain the exclusive copyright thereof as his own property, and the state shall purchase from him two hundred volumes of each edition, bound in the ordinary style of law reports, at the sum of six dollars per volume.

Copyright—state to purchase—number of vols., price.

SEC. 4. Of the two hundred copies deposited with the secretary of state, as above provided, the following state officers shall be entitled to one copy of each volume, to wit: The several judges of the supreme and district courts, the attorney general, the judges of probate of the several

Distribution of reports.